



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,675	05/09/2001	Jan Magnus Stensmo	ARC920000150US1	3256

7590 02/24/2005

John L. Rogitz
Rogitz & Associates
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER

ALBERTALLI, BRIAN LOUIS

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/851,675

Applicant(s)

STENSMO, JAN MAGNUS

Examiner

Brian L Albertalli

Art Unit

2655

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

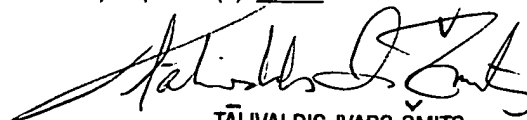
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached Advisory Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


TĀIVALDIS IVARS SMITS
PRIMARY EXAMINER

Response to Arguments

1. Applicant's arguments filed February 10, 2005 have been fully considered but they are not persuasive.
2. The test for written description requirement is to determine whether the disclosure "conveys with *reasonable clarity* to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed" (emphasis added, see MPEP 2163). The disclosure as filed does not provide an adequate description that would convey with reasonable clarity to one skilled in the art that the inventor specifically contemplated generating context windows around less than each and every word in the document. The disclosure as filed includes 7 instances in the specification that require the context windows to be created around *each* word in the document (page 3, line 13 and line 18; page 6, line 12; page 7, line 7; page 14, line 16; and page 15, lines 11-12), an element in the drawings that requires the context windows to be created around *each* word in the document (Fig. 4, element 32), a specific example of an implementation wherein context windows are created around *each* word in a document (Fig. 5 and Fig. 6), as well as 3 originally filed claims that define the invention as creating contexts windows around *each* word in a document (claims 1, 18, and 26 of the originally filed claims). Generic language that the "scope of the present invention fully encompasses other embodiments" (page 17 of the specification) does not convey with reasonable clarity that the scope of the invention encompasses generating context windows around *at least some of* the words in a document, especially in light of the overwhelming evidence in the description that the inventor contemplated generating

context windows around *each* word in a document. Similarly, the instance in the specification that cites “context windows are created for the text” is ambiguous and does not convey with reasonable clarity creating context window around *at least some* of the windows in the text.

The rejection of claim 1 under 35 USC § 112, 1st paragraph, therefore, is upheld.

3. The arguments presented in response to the prior art rejections under 35 USC § 102 are also not persuasive.

Regarding claim 1, the claim requires that the evaluation *for each window* is not a function of the order of appearance of the words *within each window*. The relied upon section of Brewster et al. (specifically column 2, lines 64-65) simply illustrates that the overall evaluation of the document as a *whole* retains some information as to the order of words *across the entire document*. This is separate and distinct from the evaluation of the words *within each window*. In the evaluation of each window, Brewster et al. disclose a statistical evaluation that determines whether a word is within a window or not. This is not a function of the order of appearance of the words within each window.

Furthermore, the applicant admits that in prior art techniques that completely ignore the order of words across the entire document, “information relating to the context and meaning of the words due to their *word order* is lost and the ability to discriminate desired information is sometimes lost” (emphasis added, see page 2, lines 17-21 of the specification). The disclosed invention overcomes the disadvantages of models that do not take the sequence of words into account (page 3, lines 4-7).

See also page 7, line 10 ("The order of the words within the window is ignored").

Also, the $P(\text{term}_j)$ is a combination of the statistical evaluation of each window. The "statistical evaluation" of Brewster et al. is simply a determination of whether the window contains the term j or not. The term $P(\text{term}_j)$ then, depends on this statistical evaluation. That is, the results of the statistical evaluation of whether the term j appears in each window must be combined (summed) to determine the probability $P(\text{term}_j)$ that a word appears within the windows. $P(\text{term}_j)$ is not "simply the number of windows containing the j th term", but a probability of a window containing the word j .

The rejections to claims 1, 13, and 17 under 35 USC § 102 are therefore also upheld.

Allowable Subject Matter

4. Claims 2-12, and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In regard to claim 2, Brewster et al. only use the combined statistical evaluation for each window to determine parameters used to generate mathematical signal that is used to create a visualization of the subtopic structure document. The combined statistical evaluation is not used to determine the likelihood of the documents having any predetermined subtopic.

Claim 3 further limits claim 2; therefore claim 3 would also be allowable.

In regard to claim 4, Brewster et al. do not define any document categories in which the full documents can be classified.

In regard to claim 5, Brewster et al. do not disclose and do not suggest that the disclosed invention could be utilized for word sense disambiguation, which is necessary to determine the word in the center of a particular window.

In regard to claim 6, Brewster et al. do not disclose counting the occurrences of particular documents and tabulating totals of the counts.

Claims 7-12 further limit claim 6; therefore claim 3 would also be allowable.

In regard to claim 14, Brewster et al. create windows in which no words are omitted.

In regard to claim 15, Brewster et al. do not normalize the combined results of the windows and provide no suggestion as to why any normalization of the combined results would be beneficial.

In regard to claim 16, Brewster et al. do not disclose any indication of using mutual information to evaluate the context windows.

5. Claims 18-27 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

In regard to claims 18 and 26, the prior art of record does not disclose and would not suggest to one of ordinary skill in the art at the time of invention, in addition to the other features of the claims, the step of creating context windows around *each and every word* in a document. Nearly all prior art teachings perform some type of preprocessing, such as removing common stopwords, or create context windows around a selection of words in a document in order to reduce the amount of processing needed to evaluate a document.

6. Claims 19-25 and claim 27 further limit claims 18 and 26; therefore, claims 19-25 and claim 27 would also be allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817, until March 24, 2005. After March 24, 2005, the examiner can be reached at

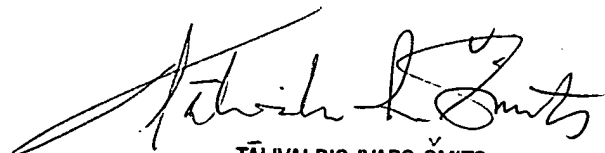
Art Unit: 2655

(571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 2/17/05



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER